

AMENDED IN SENATE JUNE 28, 2011

AMENDED IN ASSEMBLY APRIL 4, 2011

AMENDED IN ASSEMBLY FEBRUARY 28, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 46

**Introduced by Assembly Member John A. Pérez
(Principal coauthor: Assembly Member Smyth)**

(Coauthors: Assembly Members Achadjian, Alejo, Allen, Ammiano, Atkins, Beall, Bill Berryhill, Block, Blumenfield, Bonilla, Bradford, Brownley, Buchanan, Butler, Charles Calderon, Campos, Carter, Cedillo, Chesbro, Cook, Davis, Dickinson, Donnelly, Eng, Feuer, Fletcher, Fong, Fuentes, Furutani, Beth Gaines, Galgiani, Gatto, Gordon, Gorell, Grove, Halderman, Hall, Harkey, Hayashi, Roger Hernández, Hill, Huber, Hueso, Huffman, Jones, Knight, Lara, Logue, Bonnie Lowenthal, Ma, Miller, Mitchell, Mendoza, Monning, Nestande, Nielsen, Norby, Olsen, Pan, Perea, V. Manuel Pérez, Portantino, Silva, Skinner, Solorio, Swanson, Torres, Wagner, Wieckowski, Williams, and Yamada)

(Coauthors: Senators Alquist, Calderon, Correa, De León, DeSaulnier, Evans, Hancock, Hernández Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Wolk, and Yee)

December 6, 2010

An act to add Section 56668.6 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 46, as amended, John A. Pérez. Local government: cities.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the procedures for incorporations and changes of organizations of cities, including procedures for disincorporation.

This bill would provide that every city with a population of less than 150 people as of January 1, 2010, would be disincorporated into that city's respective county as of 91 days after the effective date of the bill, unless a county board of supervisors determines, by majority vote within the 90-day period following enactment of these provisions, that continuing such a city within that county's boundaries would serve a public purpose if the board of supervisors determines that the city is in an isolated rural location that makes it impractical for the residents of the community to organize in another form of local governance. The bill would also require the local agency formation commission within the county to oversee the terms and conditions of the disincorporation of the city, as specified.

The bill would become operative only if AB 781 of the 2011–12 Regular Session is enacted.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 56668.6 is added to the Government
- 2 Code, to read:
- 3 56668.6. (a) Notwithstanding Chapter 1 (commencing with
- 4 Section 56650) and Chapter 2 (commencing with Section 56700)
- 5 of Part 3, and Part 4 (commencing with Section 57000), every city
- 6 with a population of fewer than 150 persons, according to the
- 7 official records of the Department of Finance, as of January 1,
- 8 2010, is hereby disincorporated into that city's respective ~~County~~
- 9 *county* as of 91 days after the effective date of the act adding this
- 10 section, except as provided by subdivision (b).
- 11 (b) A county board of supervisors may determine, by majority
- 12 vote, within 90 days of the effective date of the act adding this
- 13 section, that continuing a city within that county's boundaries that
- 14 would otherwise be disincorporated pursuant to subdivision (a)

1 would serve a public purpose if the board of supervisors finds, on
2 the basis of substantial evidence on the record before it, that the
3 city is in an isolated, rural location that makes it impractical for
4 the residents of the community to organize in another form of local
5 governance. If a county board of supervisors votes, pursuant to
6 this subdivision, to continue a city in existence, that city shall not
7 be disincorporated.

8 (c) If a city is disincorporated pursuant to subdivision (a), the
9 requirements of Chapter 5 (commencing with Section 57400) of
10 Part 5 shall apply and shall be overseen by the commission. The
11 commission's authority shall include, but is not limited to, the
12 power to enforce the requirements of that chapter pursuant to
13 Section 1085 of the Code of Civil Procedure.

14 *SEC. 2. This act shall become operative only if Assembly Bill*
15 *781 of the 2011–12 Regular Session of the Legislature is enacted.*